



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Dr. William P. Brown
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Mr. Michael Janosik, Planning Administrator,
Planning Department
Mr. Ted Barclay, Supervisor Code Compliance
Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Ms. Lisa Caudill, Administrative Assistant, Administration
Section, Planning Department

Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department
Mr. Zachary Mayo, Planning Data and Geographic Analyst,
Advance Planning and Research Section, Planning Department
Mr. Rob Key, Director
General Services Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Mike Golden, Director of
Parks and Recreation
Mr. Randy Phelps, Principal Engineer
Utilities Department
Ms. Debra Winecoff, Library Services Administrator
Library
Chief Stuart Dalton, Battalion Chief, Fire and
Emergency Services, Fire Department
Lieutenant Frank Nause, Fire and
Emergency Services, Fire Department
Major Mike Spraker, Major,
Police Department
Ms. Carol Judkins, Budget and Management Analyst,
Budget Department
Mr. Clay Bowles, Chief of Administrative Services
Sheriff Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration
Dr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gulley, Bass, Brown, Hassen, Waller and staff assembled at 12:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session.

Mr. Gulley read a statement about the live streaming of the Planning Commission 6:30 p.m. public hearing through the county's website at <http://www.chesterfield.gov/mediacenter/>.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested changes to the agenda based on results of the June 3, 2008 public hearing. It was on the consensus of the Commission that the agenda was amended as follows.

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.).
- III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. *Public Facilities Plan Amendment.*
- V. Review of June 3, 2008 Public Hearing Minutes.
- VI. Amendment to the Introduction, Plan for Chesterfield Relative to Countywide Level of Service for Schools.
- VII. Work Program – Review and Update.
- VIII. Proposed Code and Policy Amendment Relative to Proposed Electronic Message Centers.
- IX. Proposed Code Amendment to Eliminate Civil Penalties.
- X. Lead Requirements as it Relates to the Zoning Ordinance “*Upper Swift Creek Watershed*”
- XI. The Impact of Vesting Requirements as it Relates to the State Standards with Respect to the Watershed Phosphorous Load Prediction “ *Upper Swift Creek Watershed*”
- XII. Invisible Towers.
- XIII. Planning Topics-Large Lot/Deferred Growth Concepts.
- XIV. Recess.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

II. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agenda for the upcoming months of July, August and September 2008.

III. REVIEW DAY'S AGENDA.

Mr. Michael Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Jane Peterson presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. PUBLIC FACILITIES PLAN AMENDMENT.

Mr. Gulley noted that at the June 3, 2008, public hearing, the Commission held and closed the public hearing and deferred action to the June 17, 2008 work session.

Mr. Waller recommended amending the following Key Objective items as follows: “Construct and expand facilities in ~~accord~~ accordance with the proper relationship of each element with the established level of services standards for all elements”; “~~Consider~~ Target maintenance or replacement needs in established areas to encourage healthy communities”; “Acquire sites via eminent domain as necessary for future facilities in advance of, on in conjunction with, development”; and “Target the use of green infrastructure, building design, including LEED construction principles, and other energy efficient practices wherever practical, ~~depending on building uses~~”.

Dr. Brown recommended changing the title of Appendix B to read Facilities Information Report.

In response to a question from Mr. Bass, staff stated that a request was submitted for interior renovation of the Ettrick-Matoaca Library. Staff also explained the reasoning behind the general location of the

proposed Harrowgate Library. Mr. Bass noted that property located within the pending rezoning boundaries for Roseland area has been identified for a new Fire & EMS station. He requested that the Fire Department look at co-locating a police facility at this site.

Following discussions, on motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to recommend approval of the *Public Facilities Plan* based on the changes in the key objectives and the title for Appendix B.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

V. REVIEW OF JUNE 3, 2008 PUBLIC HEARING MINUTES.

The Commission directed staff to forward a separate document to the Board of Supervisors that reflected recommendations from the Planning Commission's June 3, 2008 public hearing relative to the *Upper Swift Creek Plan* Amendment and noted corrections of the draft minutes to reflect those recommendations.

VI. AMENDMENT TO THE INTRODUCTION TO THE PLAN FOR CHESTERFIELD - LEVEL OF SERVICE FOR SCHOOLS.

Mr. Turner apprised the Commission of the revised draft public notice that included the Commission's recommendation.

Ms. Barbara Fassett addressed the Commission on the draft public notice – level of service for schools Countywide and asked Ms. Cynthia Richardson to share comments from the School Administration.

Ms. Cynthia Richardson thanked the Commission for the inclusion of level of service for schools Countywide; however, she felt the level of service capacity should remain at 120 percent. Ms. Richardson requested that the Commission consider use of the term “functional capacity” rather than “capacity”.

Following an explanation by Ms. Richardson on the difference between those terms, the Commission agreed to change the wording from “capacity” to “functional capacity” for the July 15, 2008 draft public notice relative to level of service for schools.

Ms. Richardson informed Mr. Waller that she would provide a definition of the term “functional capacity” as it relates to level of service for schools for the County's website.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission approved the draft language and recommended changes for level of service for schools public notice for the July 15, 2008 public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VII. WORK PROGRAM - REVIEW AND UPDATE.

Mr. Turner apprised the Commission that staff would provide the Commission a revised copy of the work program to reflect updated items from the June 3, 2008 public hearing.

VIII. PROPOSED CODE AND POLICY AMENDMENTS RELATIVE TO PROPOSED ELECTRONIC MESSAGE CENTERS.

Dr. Brown exited the work session at 12:50 p.m.

Mr. Greg Allen presented an overview of the updates to the current electronic message centers proposal and asked the Commission to consider amendments to the policy.

Dr. Brown reentered the work session at 1:00 p.m.

Mr. Allen reflected on the advantages and disadvantages of the light emitting diode (LED) signs. Along with other items to consider, Mr. Allen asked the Commission to also consider the location, allotted movement, height, content and maintenance for the LED signs.

The Commission noted concerns relative to the use of LED signs relative to possible distractions for the signs at night; contradictions to revitalization efforts; the need for imposed restrictions; size of the signs; and contrasting background colors. Mr. Bass noted his support for LED signs. Mr. Hassen suggested implementing different standards for informational and advertising signs.

Mr. Turner asked Mr. Allen to prepare a survey for the Commission on electronic signs and requested follow-up for a future Planning Commission work session.

It was the consensus of the Commission to hear information on the Proposed Code and Policy Amendment Relative to Electronic Message Centers at a future work session.

IX. PROPOSED CODE AMENDMENT TO ELIMINATE CIVIL PENALTIES.

Mr. Ted Barclay presented an overview of the change to the Proposed Code Amendment to Eliminate Civil Penalties. Ms. Tara McGee, Assistant County Attorney, advised the Commission that the County Attorney supported the Planning Department's recommendation to eliminate civil penalties.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission set a public hearing for July 15, 2008 to consider the Proposed Code Amendment to Eliminate Civil Penalties.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

X. LEAD REQUIREMENTS AS IT RELATES TO THE ZONING ORDINANCE "UPPER SWIFT CREEK WATERSHED"

Mr. Dick McElfish presented information on lead reduction in the *Upper Swift Creek Watershed*. He indicated that reduction in lead levels countywide can be attributed in part, to a change to unleaded gas in the late 1970's. He added that the levels of lead in the *Swift Creek Reservoir* are non-detectable and the issue will be reviewed with the "Watershed Management Plan Modifications".

Mr. McElfish responded to questions from the Commission and discussions were concluded on this item.

XI. THE IMPACT OF VESTING REQUIREMENTS AS IT RELATES TO THE STATE STANDARDS WITH RESPECT TO THE WATERSHED PHOSPHOROUS LOAD PREDICTION "UPPER SWIFT CREEK WATERSHED"

Mr. McElfish presented an explanation of the vesting and how it related to the 0.45 standards and LID requirement. He indicated that staff has been requiring all properties to comply with the Bay regulations

as a result of Federal Agencies not permitting the regional program. This issue would be taken into account with the *Upper Swift Creek Watershed Master Plan*.

Mr. Gulley exited the meeting at 2:46 p.m.

Mr. Gulley reentered the work session at 2:48 p.m.

Mr. Waller asked Mr. McElfish to survey the engineering community about critical items to include in the RFP and discussions were concluded on this item.

XII. INVISIBLE TOWERS

Mr. Turner informed the Commission of the request by the Invisible Tower Company to present to information relative to design opportunities for communication towers.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission approved to hear a presentation from the Invisible Tower Company for the July 15, 2008 work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XIII. PLANNING TOPICS - LARGE LOT/DEFERRED GROWTH CONCEPTS.

Upon a recommendation by Mr. Turner, the Commission agreed to defer the presentation on Planning Topics - Large Lot/Deferred Growth Concept to their July 15, 2008 work session.

XIV. RECESS.

There being nothing further business to discuss, the Commission recessed at 2:50 p.m., agreeing to reconvene in the Multipurpose Room at 3:00 p.m., for the public meeting.

3:00 P.M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p.m., in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

I. REQUEST TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

III. APPROVAL OF PLANNING COMMISSION MINUTES.

- **April 29, 2008 Planning Commission Special Meeting Minutes.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to approve the April 29, 2008 Planning Commission Special Meeting Minutes.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- May 20, 2008, Planning Commission Minutes.

Mr. Gulley noted a word correction on page sixteen (16).

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to approve the May 20, 2008 Planning Commission minutes, as amended.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

IV. CONSIDERATION OF THE FOLLOWING REQUEST:

- DEFERRAL REQUEST BY APPLICANT.

08PS0360: In Midlothian Magisterial District, **STONEHENGE VILLAGE, LLC** requested deferral of the architectural theme for buildings on outparcels for Stonehenge Village Shopping Center. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on 13.2 acres fronting approximately 1950 feet on the south line of Midlothian Turnpike across from Walmart Way. Tax IDs 735-707-Part of 6669 and 9536; 736-707-4093 and Part of 8355; and 737-707-2091 and 2699.

Mr. Bills, the applicant's representative, requested deferral of Case 08PS0360 to the July 15, 2008, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 08PD0360 to the July 15, 2008 Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- CASE WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NOT OPPOSITION PRESENT.

08PR0373: In Midlothian Magisterial District, **MARTYN ENTERPRISES** is requesting approval of a buffer plan. This request lies in Light Industrial District (I-1) on 0.92 acres fronting approximately 220 feet along the east side of Otterdale Road at its intersection with Wylderose Drive. Tax IDs 721-711-5327 and 5837.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to approve Case 08PR0370 subject to the following conditions and review comments:

CONDITIONS

1. Prior to land disturbance, the Planning Department shall be contacted by the developer to inspect and approve location of tree protection fencing around the buffer area. After completion of final grading, and prior to landscape installation within the buffer, the Planning Department shall be contacted to inspect the buffer area. Existing vegetation shall be retained within the buffer unless removal of underbrush is needed, as determined by the Planning Department, to accommodate planting of new landscaping and to help ensure the long term health and buffering qualities of both existing and proposed trees and shrubs.
2. At time of occupancy, additional evergreen trees and/or shrubs may be required to minimize impact of vehicle headlights on adjacent residences, as determined in the field by the Planning Department.
3. The landscape plan shall be revised to accomplish the following review comment.

REVIEW COMMENT

Revise size of evergreen trees proposed within the buffer to seven (7) feet, to comply with ordinance requirements.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

IV. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at 3:07 p.m., agreeing to meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex at 5:00 p.m. for dinner.

During dinner, there was general discussion regarding pending cases.

6:00 P.M. PUBLIC MEETING AND HEARING

Mr. Gulley, Chairman, called the meeting to order at 6:30 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. DISTRIBUTION OF "REQUEST ANALYSES AND RECOMMENDATIONS".

II. INVOCATION.

Mr. Waller presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Ms. Carrie Coyner led the Pledge of Allegiance to the Flag.

- ANNOUNCEMENT OF LIVE STREAM

Mr. Gulley read a statement addressing the citizens' ability to view the Planning Commission's 6:30 p.m. meetings through the County's web address at <http://www.chesterfield.gov/mediacenter/>. He stated this technology was a great milestone as it helped bring government into homes of people who did not have access to the televised public hearings.

III. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Gulley requested to reorder Case 08SN0159, Douglas and Susan Sowers as the first case requiring discussion.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Case 08SN0159 as the first case of those cases requiring discussion.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. David Webb, resident, asked the Commission to examine differential proffers. It was his opinion that the current proffer system encourages sprawl. Mr. Gulley informed Mr. Webb that a letter on behalf of the Commission was forwarded to the Board of Supervisors indicating the same concerns and suggested that he voice his concerns to the Board of Supervisors.

VII. PUBLIC HEARING.

- REQUEST FOR WITHDRAWAL/DEFERRALS.

08SN0219: In Bermuda Magisterial District, DONNA P. BRENNAN requested deferral of consideration for Conditional Use and amendment of zoning district map to permit a special events business incidental to a dwelling unit in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 2.6 acres and is known as 10301 Old Wrexham Road. Tax ID 774-661-8804.

Mr. Turner indicated the applicant requested deferral of Case 08SN0219 to the July 15, 2008 public hearing.

Ms. Darla Orr indicated the applicant had submitted a written deferral request.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to defer Case 08SN0219 to the July 15, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0243: In Matoaca Magisterial District, JOHN D. and KIMBERLY W. HUGHES, JR. requested deferral of consideration for Conditional Use and amendment of zoning district map to permit Community Business (C-3) uses and commercial outdoor recreation plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 8.5 acres located in the northwest quadrant of the intersection of Beach and Spring Run Roads. Tax IDs 745-654-8256 and 746-654-1071.

Mr. Jeff Collins, the applicant's representative, requested deferral of Case 08SN0243 to the August 19, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 08SN0243 to the August 19, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

06SN0220*: In Dale Magisterial District, BROOKSTONE BUILDERS requested deferral of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 06SN0220 to the November 18, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to defer Case 06SN0220 to the November 18, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07SN0180*: In Bermuda Magisterial District, PAGE DEVELOPMENT CO. requested deferral of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 18.3 acres lying approximately 490 feet off the south line of Treely Road approximately 180 feet east of Eves Lane. Tax ID 791-637-Part of 7209.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0810 to the March 2009 regular scheduled meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 07SN0810 to the March 2009 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07SN0340*: In Matoaca Magisterial District, FRANCIS BEERS requested deferral of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 250.1 acres fronting in two (2) places for approximately 320 feet on the west line of Qualla Road and lying at the northern termini of Springhouse Drive and Belcherwood Road. Tax IDs 740-667-8769; 741-669-3736; 743-668-1461; and 744-668-7309.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0340 to the September 16, 2008 public hearing.

Mr. Terry Cook, Bayhill Pointe resident, supported the deferral, but noted his strong opposition for the case. Approximately seventy-five Bayhill Pointe residents were also present to speak in opposition to the application.

Mr. Gulley ensured the residents of Bayhill Pointe that the Matoaca Commissioner would not allow presentation of a case without giving those in opposition the opportunity to speak.

Mr. Bass recommended deferral of the Case 07SN0340 to the August 19, 2008 public hearing.

Ms. Kristen Keatley, the applicant's representative, amended her request for deferral of Case 07SN0340 to the August 19, 2008 public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 07SN0340 to the August 19, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

07SN0372*: (Amended) In Clover Hill Magisterial District, EWN INVESTMENTS, INC. requested deferral of consideration for rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.0 acres fronting approximately 860 feet in the northwest quadrant of the intersection of Hull Street Road and Duckridge Boulevard. Tax ID 722-671-1285.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0372 to the August 19, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer Case 07SN0372 to the August 19, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.

08SN0224: In Midlothian Magisterial District, HERITAGE SIGNS INC. requested deferral of consideration for Conditional Use Planned Development and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign and to permit exception to Ordinance requirements relative to sign height. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Corporate Office (O-2) District on 0.6 acres and is known as 1231 Gateway Centre Parkway. Tax ID 757-705-3156.

Mr. Jason Phelps, the applicant's representative, requested deferral of Case 08SN0224 to the August 19, 2008 public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 08SN0224 to the August 19, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0235: In Midlothian Magisterial District, HOLIDAY SIGNS, INC. requested deferral of consideration for Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial/light industrial and mixed use corridor uses. This request lies in a General Business (C-5) District on 11.2 acres fronting approximately 270 feet on the north line of Hull Street Road, approximately

420 feet east of Turner Road also fronting approximately 370 feet on the east line of Turner Road, approximately 280 feet north of Hull Street Road. Tax ID 765-698-Part of 9008.

Mr. Bass declared a conflict of interest due to a business association with the property owner.

Mr. Waller indicated that he was prepared to defer this case on his own motion to the August 19, 2008 public hearing.

Mr. Kyle Dillon, the applicant's representative, requested deferral of Case 08SN0224 to the September 16, 2008 public hearing. Mr. Waller accepted Mr. Dillon's deferral request.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Hassen, the Commission resolved to defer Case 08SN0235 to the September 16, 2008 Planning Commission public hearing.

AYES: Messrs. Gulley, Brown, Hassen, and Waller.

ABSENTION: Mr. Bass

- REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.

08SN0212: In Matoaca Magisterial District, SWIFT CREEK HOLDINGS, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This request lies on 3.0 acres lying approximately 950 feet off the western terminus of Quailwood Road, west of Bailey Bridge Road. Tax ID 732-673-9114.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0212 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed

according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Cash Proffer. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling for infrastructure improvements within the service district for the Property:
 - a. \$15,600 per dwelling unit if paid prior to July 1, 2007; or
 - b. The amount approved by the board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made after June 30, 2007.
 - c. Cash proffer payments shall be spent for purposes proffered or as otherwise permitted by law.

Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

3. Density. The total number of residential dwelling units on the Property shall not exceed 2.2 residential units per acre. (P)
4. Minimum Square Footage for Single Family Dwellings. The minimum gross floor area for single family detached homes shall be as follows:

1 story	1,700 square feet
More than 1 story	2,000 square feet (P)

5. Covenants. For all properties containing single family detached dwellings (except Cluster Homes and Condominiums), the following Declaration of Restrictions shall be recorded in conjunction with the recordation of any subdivision plat:

THE OWNERS do hereby declare that said property is to be held, owned, conveyed, used and occupied subject to the following restrictive covenants:

- a. An Architectural Review Committee, hereinafter called "ARC" shall be comprised of Herbert E. Fitzgerald, his heirs, personal representatives, successors, and assigns, any of which may act. The ARC shall coordinate each residence and lot and shall establish reasonable rules and regulations relating to the procedure for

architectural approvals and general guidelines for architectural plans according to the following architectural guidelines:

All plans to be approved prior to commencement of construction on each lot.
House location to be approved prior to construction.

Roof

Minimum 7/12 pitch
Minimum 12" overhang
No uncolored galvanized flashing

Foundation

Brick foundations
Brick or stone on chimney chases

Dwelling

Main body of house to be a minimum of 30 feet in width
No single story homes adjacent to each other

Stoops and walks

Brick stoops or painted fir (no salt treated stoops except when approved by ARC)
Minimum 40 sq. ft.
Concrete sidewalks
Painted lattice under front porches - painted risers on steps, painted pickets and painted band on front porches

Siding

Panel shutters on front windows
Minimum 1 x 6 rake and fascia boards
No T1-11 siding

Landscaping

\$300 allowance for shrubs
White painted mailbox and lamp post consistent throughout subdivision
Builder to leave as many trees as possible over 6 inches at the base

Base

3 color exterior paint except for 2 colors if
painted white

Satellite Dishes and swimming pool design, location and screening to be
approved prior to installation.

The ARC reserves the right to modify the above restrictions or any other imposed
deed restrictions in all or in part without notice. In addition, the ARC reserves the

right to make special exceptions to these conditions on an individual basis; however, any special exception(s) shall not be deemed as waiver of the restriction(s) as they may apply in the future.

The ARC reserves the right to disallow construction of architecturally similar homes adjacent to each other.

The ARC shall not be liable to any Owner or to any other person on account of any claim, liability, damage, or expense suffered or incurred by or threatened against an Owner or such other person arising out of or in any way relating to the subject matter of any review, acceptances, inspections, permissions, consents, or required approvals which must be obtained from the ARC whether given, granted or withheld.

- b. No repairs, changes in color, excavations, changes in grade, major landscaping, or other work which in any way alters the exterior appearance of any Lot or improvement located thereon from its natural or improved state existing on the date such Lot was first conveyed in fee by Herbert E. Fitzgerald to an owner (including clearance of trees and vegetation, driveways, entrance ways, fences, mailboxes, and lamp post structures), shall be made or done until the plans, specifications, working drawings, and proposals for the same showing the nature, kind, shape, type, color, materials, and location of the improvements on the Lot and a landscaping plan shall have been submitted to and approved in writing to promote harmony of external design and location in relation to surrounding structures, topography, and applicable governmental requirements by the ARC.
- c. All easements along road frontage and lot lines as may be shown on any subdivision plat are hereby reserved unto the developer, his personal representatives, heirs, assigns, or agents, for the purpose of drainage or furnishing light, telephone or any other utility to the property.
- d. Lots shall be occupied and used as follows:
 - i. Lots shall be used for private residential purposes only and no building of any kind whatsoever shall be erected or maintained thereon except for:
 - 1. One private dwelling house with each dwelling being designated for occupancy by a single family.
 - 2. Private garages for the sole use of the respective owners of the Lots upon which such garages are erected.
 - ii. A single building for the storage of non-commercial vehicles, boats, equipment, and tools used in maintenance of the Lot upon which erected.
- e. No building shall be located on any Lot nearer to any street or to a side line than is permitted under the applicable local zoning ordinance in effect at the time such building is constructed.

- f. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any Lot at any time as a residence either temporarily or permanently.
- g. The construction of any structure on a Lot shall be completed within a period of nine (9) months after the beginning of construction. During construction, the Lot shall be maintained in a clean and uncluttered condition, free of unnecessary accumulation of waste and building debris.
- h. It is the responsibility of each Owner to prevent the development of any unclean, unsightly, or unkempt condition of buildings or grounds on his Lot. All improvements on each Lot shall be kept in good repair, and, where necessary, painted on a regular basis. No portion of the property shall be used or maintained as a dumping ground for rubbish. Outdoor burning of leaves, trash or other debris shall not be permitted. All trash, garbage, and other waste shall be kept in sanitary containers which shall be surrounded by wooden screening with such screening being approved by the ARC, or otherwise out of sight from the street.
- i. No nuisance or offensive activity shall be permitted or maintained upon any Lot, nor shall any poultry, hogs, rabbits, cattle or other livestock be kept thereon with the exception of dogs, cats or other normal household animals kept as pets thereon in numbers not exceeding those permitted by the law, provided they are not kept, bred or maintained for any commercial purposes, and must be kept under control of their owner when outside owner's premises, nor constitute a nuisance in the opinion of the ARC, its successors or assigns. No use shall be made of any Lot which will depreciate or adversely affect the surrounding Lots or the property.
- j. Each residence constructed on a Lot shall be connected to a public sewer.
- k. No Lot shall be further subdivided without prior written consent of the ARC. However, the developer hereby expressly reserves for itself, its successors, and assigns, the right to re-subdivide any Lot or Lots shown on any recorded plan of subdivision of the property prior to the delivery of a deed to said Lot or Lots without the prior written consent of any Lot Owner.
- l. Except for emergencies, which emergencies must be proven to the satisfaction of the ARC, no trees with a diameter of six (6) inches or more, measured two (2) feet from the ground, no flowering trees, shrubs, or evergreens may be cleared from any Lot without prior written permission of the ARC. In the event a Lot Owner violates this covenants the Lot Owner will be fined \$25.00 per inch for every such tree removed and it shall be assumed that each tree had a diameter of twelve (12) inches.
- m. No commercially licensed vehicles, motor vehicles, recreational vehicles, boats, disabled vehicles, vehicles without a current state license or state inspection sticker, machinery, or other equipment shall be visible from the street for a period exceeding twenty-four (24) hours. Any screening of such vehicles must be approved by the ARC. This covenant shall not apply to vehicles and equipment

used in connection with construction upon Lots, while such construction is in progress, or in connection with the development of the property. It shall be the responsibility of each Owner to construct and maintain suitable and adequate parking space on his Lot and all vehicles shall be parked thereon.

- n. The operation of unlicensed motor bikes, ATV's, and motorcycles on the lots and entrance area shall be subject to regulation by the Owners and may be prohibited entirely.
- o. No external illumination on any Lot shall be of such a character or intensity or so located as to interfere with any other Owners use or enjoyment of his Lot. No neon or flashing lights shall be permitted. All external lighting must be approved as to size and intensity by the ARC.
- p. Except during construction, no signs of any kind shall be displayed to the public view on any lot except:
 - i. One sign not exceeding four (4) square feet in areas used for the purpose of advertising the Lot for sale or rent: and
 - ii. One sign not exceeding four (4) square feet in area which identifies the resident occupying the Lot, the name of the Lot, or both.
- q. No temporary, portable, or above-ground swimming pools may be erected on any Lot that will be visible from the street.
- r. Except as otherwise provided by applicable law, no outside antennas, television or otherwise, shall be permitted; provided, however, that until cable television becomes available to the property, exterior television antennas shall be permitted, provided that they do not extend more than five (5) feet past the roof line of any dwelling. No satellite dishes shall be visible from the street.
- s. No construction shall be permitted without appropriate erosion control so as to prevent the discharge of any soil or other material onto any other Lot or Common Area. The ARC may establish reasonable rules and regulations establishing a maximum percentage of any Lot which may be covered by a building, driveway or other structure.
- t. No fences or walls not constituting a part of a building shall be erected, placed or altered on any Lot nearer to any street than the minimum exterior setback line, but in no case shall it extend further forward than the rear of the house except with the approval of the ARC.
- u. No shrubs, trees, fences or structures of any type shall be erected which may partially or fully block vehicular sight distance, as set forth in the Virginia Highway Department regulations, on any roadway.
- v. No lot owner shall disturb or siltate shoulders, backslopes, ditches, pavement, curb and gutter, driveway culverts, or any other improvements within the public right-of-way. Each Lot Owner agrees to be responsible for disturbances,

damages, and/or siltation caused by themselves, their employees, suppliers, contractors, or others, and shall have fourteen (14) days from the receipt of a letter from the developer and/or the ARC to correct the damage. If a Lot Owner fails to correct the damage in a workmanlike manner, then the developer or its assigns shall have the right to correct the damage and bill the Lot Owner directly on a cost-plus-fifty-percent (50%) basis. If a Lot Owner does not make payment within thirty (30) days of presentation of the bill, a two percent (2%) per month service charge shall be applied to such bill.

- w. Any one or more of the aforesaid Covenants and Restrictions may be waived, modified, or rescinded, in whole or in part, as to all of the property or any Lot, by written instrument of the ARC.
- x. Invalidation of any of these covenants and conditions, by court adjudication or otherwise shall in no way modify, affect, or invalidate any of the other covenants and conditions contained herein which shall remain in full force and effect.
- y. Each and every covenant and condition herein imposed may be enforced by the undersigned or the owner of any Lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and or recover damages therefore. The failure of an owner or the undersigned to bring any such proceeding shall not be considered as a waiver of any rights at law or in equity that any such party may have for past or future violation of any covenant herein contained.
- z. These covenants and conditions are to run with the land and shall be binding upon subsequent owner or owners and all parties claiming through or under such owner or owners for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the Lots has been recorded, revoking said covenants, or agreeing to change said covenants in whole or in part. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0213: In Matoaca Magisterial District, SWIFT CREEK HOLDINGS, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property

is appropriate for residential use of 2.2 units per acre or less. This request lies on 2.1 acres fronting approximately 140 feet on the north line of Quailwood Road approximately 2800 feet west of Bailey Bridge Road. Tax ID 733-672-8988.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0213 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect. The property under consideration shall be developed in conjunction with the adjacent properties subject to Case 06SN0234.

1. Master Plan. The Textual Statement dated May 8, 2008 shall be the Master Plan. (P)
2. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Cash Proffer. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling for infrastructure improvements within the service district for the Property:
 - a. \$15,600 per dwelling unit if paid prior to July 1, 2007; or
 - b. The amount approved by the board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made after June 30, 2007.
 - c. Cash proffer payments shall be spent for purposes proffered or as otherwise permitted by law.

Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
4. Density. The total number of residential dwelling units on the Property shall not exceed 2.2 residential units per acre. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to recommend approval of wavier to street connectivity requirements to Quailwood Road.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0227: In Bermuda Magisterial District, KHJ 1700 WILLIS, LLC requests rezoning and amendment of zoning district map from Residential (R-7) to General Business (C-5). The density of such amendment

will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre. This request lies on 0.5 acres and is known as 9117 Germont Avenue. Tax ID 796-672-8529.

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0227 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses shall be limited to the following:
 - a) Any uses permitted in the Community Business (C-3) District.
 - b) Any uses permitted in the Light Industrial (I-1) District.
 - c) Motor vehicle sales, service repair and rental, excluding motor vehicle consignment lots.
 - d) Truck terminals. (P)
2. Prior to any site plan approval, thirty (30) feet of right-of-way on the east side of Germont Avenue, as measured from the centerline of Germont Avenue immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0232: In Matoaca Magisterial District, COLUMBIA GAS OF VIRGINIA, INC. requests Conditional Use and amendment of zoning district map to permit an above-ground utility (propane tank farm). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. This request lies in a Residential (R-15) District on 1.1 acres and is known as 9306 West Oak River Road. Tax ID 762-610-2672.

Mr. Turner noted that the Fire Department recommended approval of the case only if the number of additional tanks was reduced to eleven (11) tanks. As such, staff recommended approval of an expansion of eleven (11) tanks.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to a question of Mr. Gulley's, Lt. Nause stated that currently there were no regulations or requirements for burying the tanks; that the Department of Fire & EMS was aware of the risk; and that the Fire Department recommended the limitation on the number of tanks, accordingly.

Mr. Gulley stated he could not support the request based on his concerns for neighborhood safety.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0232 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The owner and developer in this rezoning request, Columbia Gas of Virginia, Inc. (the "Developer") pursuant to § 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (the "County") for itself and its successors and assigns, hereby proffers that the development of the unimproved real property (the "Property") under consideration in this rezoning request shall be developed in accordance with the following conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. The attached plan dated March 31, 2008, revised June 18, 2008 and titled "Master Plan Eagle Cove Propane Tank Farm" as prepared by Townes Site Engineering shall be considered the master plan. A maximum of thirty-one (31) tanks shall be permitted. (P)
2. All mechanical equipment shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. (P)
3. Vehicular access shall be provided via a single driveway. This driveway shall be of sufficient length to provide off-street parking for all vehicles servicing the propane facilities. This driveway shall be graveled or paved and maintained to minimize dust or tracking problems and to provide ease of ingress and egress. (P)
4. A twenty-five (25) foot buffer shall be provided along all property boundaries to include Oak River Drive. This buffer shall comply with the requirements of the Zoning Ordinance except that the extension of the driveway to serve this facility may encroach into this required buffer as generally depicted on the Master Plan. Any healthy trees that are one (1) inch in caliper or greater shall be retained within this buffer. The buffer shall be supplemented with plant materials as necessary so as to minimize year-round views of improvements on the subject property from the adjacent properties and Oak River Drive, as determined by the Planning Department. (P)
5. With the exception of grass, which may be planted outside the fenced enclosure, there shall be no vegetative material permitted within ten (10) feet of the fenced enclosure.
 - A. Tree branches that encroach into the airspace above the ten (10) foot perimeter must be cut back to meet the requirements of this condition. (F)
6. The area within the fence enclosure shall be graveled and maintained so as to preclude the potential for grass, brush or other vegetation from growing around the propane gas storage tanks or other equipment. (F)

AYES: Bass, Brown, Hassen, and Waller.

NAY: Mr. Gulley

08SN0234: In Bermuda Magisterial District, MARTHA 1985 CHESTER, LLC requests rezoning and amendment of zoning district map from General Industrial (I-2) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive

Plan suggests the property is appropriate for light industrial use. This request lies on 6.1 acres lying approximately 1500 feet off the south line of West Hundred Road approximately 400 feet east of Ware Bottom Spring Road also fronting approximately 420 feet on the north line of CSX Railroad. Tax ID 806-651-Part of 3950.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation and agreed to limit the I-3 uses on the site to a concrete manufacturing plant. He added the applicant wanted to maintain the ability for any I-2 uses.

In response to Mr. Hassen, Mr. Collins stated that a berm would be installed on the northern boundary of the site that faces Route 10.

Mr. Sam Lloyd, G.O.S.S. Associates, speaking on behalf of adjacent property owners, spoke in favor of the case but noted their concern that the development provide for easement for area properties to access a sanitary sewer.

Mr. Randy Phelps addressed Mr. Lloyd's concern and stated that sewer lines currently existed that could serve area properties.

Mr. Collins agreed to meet with Mr. Lloyd to address his concern.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Hassen thanked the applicant for amending the application.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0234 and acceptance of the following proffered conditions:

PROFERRED CONDITIONS

The owner and developer in this rezoning request, Martha 1985 Chester, LLC (the "Developer") pursuant to § 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (the "County") for itself and its successors and assigns, hereby proffers that the development of the unimproved real property (the "Property") under consideration in this rezoning request shall be developed in accordance with the following conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. The public water and wastewater systems shall be used.
2. Uses shall be limited to uses permitted by right and with restrictions in a General Industrial (I-2) District and a concrete manufacturing plant.
3. An earth berm with a minimum height of eight (8) feet shall be constructed on the north side of the subject parcel to screen the view of this development from West Hundred Road. The exact design and location of this berm shall be approved by the Planning Department at the time of site plan review.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0237: In Bermuda Magisterial District, **ADRIANE M. BROWN** requests rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies in on 5.0 acres fronting approximately 300 feet on the north line of Reymet Road approximately 310 feet east of Express Lane. Tax IDs 796-668-4920 and 6521.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0237 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the properties known as Chesterfield County Tax IDs 796-668-6521 and 796-668-4920 from A to I-3 will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Transportation.

Dedications/Recordation.

Prior to any site plan approval or within 60 days from a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right of way measured from the centerline of that part of Reymet Road immediately adjacent to the property shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. (T)

3. Utilities.
The public wastewater system shall be used. (U)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0238: In Dale Magisterial District, **NVR, INC. d/b/a RYAN HOMES** requests amendment to Conditional Use Planned Development (Case 05SN0219) and amendment of zoning district map relative to house sizes. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies in a Residential (R-12) District on 187.6 acres fronting approximately 1700 feet on the east line of Conifer Road at its intersection with Old Hopkins Road. Tax IDs 784-675-1052 and 785-676-4312.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation. In response to Mr. Gulley's question, Ms. Coyner stated that originally a square footage requirement was associated with the case for all dwellings above one story. She added the applicant was proposing one and one-half story units that did not meet the minimum requirement.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08SN0238 as the second case of those cases requiring discussion.

08SN0131*: In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 137.2 acres fronting approximately 1,600 feet on the north and south lines of John Winston Jones Parkway approximately 900 feet northeast of Woodpecker Road; also fronting in two (2) places for approximately 280 feet on the northeast line of Woodpecker Road approximately 600 feet southeast of John Winston Jones Parkway. Tax ID 783-626-4767.

There was opposition present; therefore, the consensus of the Commission to place Case 08SN0131 as the third case of those cases requiring discussion.

◆ **REZONING AND CONDITIONAL USES.**

08SN0159*: (Amended) In Dale Magisterial District, **DOUGLAS AND SUSAN SOWERS** request rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 4.2 acres fronting on the southern terminus of Stockport Place and the western terminus of Hereld Green Drive. Tax ID 748-674-3597.

Ms. Jane Peterson presented an overview of the request and staff's recommendation for denial noting the application failed to address typical quality design standards warranted by a reduction in bulk requirements below Residential (R-12) District minimums.

Ms. Carrie Coyner, the applicant representative, stated the applicants were maintaining the minimum R-12 lot sizes. Further, because the request represented an infill development at the end of the cul-de-sac, sidewalks were not warranted.

In response to a question of Mr. Hassen's, Ms. Coyner indicated the development would be subject to restrictions in place for the adjacent Qualla Farms Subdivision relative to house size and architectural treatment.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass stated he could not support the request given that traffic from the development would enter onto Qualla Road which is a Level E road.

Dr. Brown stated he was aware of traffic problems; that the eight (8) proposed houses. He added that the lots would be similar to the adjoining subdivision; and that impacts of development on capital facilities had been fully addressed.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0159 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 748-674-3597-00000 (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-12 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
2. Utilities. Public water and wastewater shall be used. (U)
3. Cash Proffer. The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than the improvements identified in proffered condition 4 as set forth below, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence

paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B & M)
4. Density. The total number of residential dwelling units on the Property shall not exceed 2.0 dwelling units per acre. (P)
5. An overall drainage plan for the proposed lots will be submitted to and approved by the Department of Environmental Engineer prior to recordation of the lots. (EE)
6. The Textual Statement dated February 22, 2008 shall be considered the Master Plan. (P)

AYES: Messrs. Gulley, Brown, Hassen and Waller.

NAY Mr. Bass

08SN0238: In Dale Magisterial District, NVR, INC. d/b/a RYAN HOMES requests amendment to Conditional Use Planned Development (Case 05SN0219) and amendment of zoning district map relative to house sizes. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies in a Residential (R-12) District on 187.6 acres fronting approximately 1700 feet on the east line of Conifer Road at its intersection with Old Hopkins Road. Tax IDs 784-675-1052 and 785-676-4312.

Mr. Robert Clay presented an overview of the request and staff's recommendation of approval of the application and acceptance of the condition limiting house sizes. He stated the applicant was requesting an amendment which would allow the residences to be a minimum of 1,800 square feet. Mr. Clay noted the current condition limiting house sizes had been negotiated with area property owners.

Ms. Carrie Coyner, the applicant representative, stated a community meeting was held to discuss the change and no citizens attended. She stated the applicant was willing to add an additional condition to increase the 1,800 to 1,850 square feet for one and one-half story dwellings.

Mr. Gulley opened the discussion for public comments.

Mr. Russell Beckner opposed the request citing concerns relative to the impact property values. Mr. Beckner indicated that he was unaware of the proposed amendment.

There being no one else to speak, Mr. Gulley closed the public comment.

Ms. Coyner indicated the reason for the reduction was to provide the opportunity for a variety of housing types. Ms. Coyner recommended changing the proffer to state that the 1800 square feet would apply to the one and one-half story houses and the 2000 square feet would apply to homes that were two stories and above.

In response to Dr. Brown's question, Ms. McGee stated that Ms Coyner could legally amend the proffers to reflect her recommendations.

The Commission agreed to allow Ms. Coyner the opportunity to amend the proffer and present the amended proffer following other cases requiring discussion.

Mr. Gulley closed the public hearing and indicated the case would be recalled after allowing Ms. Coyner the opportunity to modify the current proffer.

08SN0131*: In Matoaca Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 137.2 acres fronting approximately 1,600 feet on the north and south lines of John Winston Jones Parkway approximately 900 feet northeast of Woodpecker Road; also fronting in two (2) places for approximately 280 feet on the northeast line of Woodpecker Road approximately 600 feet southeast of John Winston Jones Parkway. Tax ID 783-626-4767.

Ms. Peterson presented an overview of the request and staff's recommendation of approval noting the sign would have no greater impact on the surrounding community than a sign which incorporates permitted changeable copy.

Mr. Bill Carlson, the applicant's representative, accepted staff's recommendation.

Messrs. Jamie Moore, Tom Traylor, David Stevens, Steven Cunningham, Ms. Erica Bradshaw and Ms. Amy Elliott, spoke in favor of the request noting the benefits of the sign in identifying the location of the school which is not visible from Woodpecker Road; the ability to communicate school events and achievements to the community; that the sign would be no more distracting to motorists than other existing area lighted signs; and that the ability to change messages would eliminate the need for temporary banners to identify school functions.

Ms. Ann Dillion, Ms. Brenda Stewart, Mr. Ralph Clay and Dr. Edgar Wallin spoke in opposition of the request indicating that the sign should be placed internal to the site in front of the school with a standard monument sign used on Woodpecker Road; that the case should be deferred during the Commission's consideration of amendments to the electronic sign Policy; that the sign would distract motorists; that the sign would attract people to the facility who were not part of school activities; that the sign would increased traffic on Woodpecker Road; and that approval would set a precedent for other such signs located in residential areas such as along Woodpecker Road.

There being no one else to speak, Mr. Gulley closed the public hearing.

Mr. Bass asked Mr. McCracken about the easement and right-of-way for the school and commented on previous recommendations to install a monument sign at Longhouse and Woodpecker Roads.

Mr. Bass introduced a modification of the Condition as noted in the "Request Analysis" which would limit the time of day of the message change and the lighting of the electronic sign face.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0131 subject to the following condition:

CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- b. The message or display shall be programmed or sequenced to change no more than once every twenty-four (24) hours with such change occurring between 10:00 a.m. and 11:00 a.m.;
- c. The copy display color shall either be white or yellow;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animations effects shall be prohibited and;
- f. The electronic sign face component shall not be lighted between the hours of 9:00 p.m. and 6:00 a.m. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Recessed at 8:25 p.m.

Reconvened at 8:35 p.m.

08SN0238: In Dale Magisterial District, NVR, INC. d/b/a RYAN HOMES requests amendment to Conditional Use Planned Development (Case 05SN0219) and amendment of zoning district map relative to house sizes. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies in a Residential (R-12) District on 187.6 acres fronting approximately 1700 feet on the east line of Conifer Road at its intersection with Old Hopkins Road. Tax IDs 784-675-1052 and 785-676-4312.

Ms. Carrie Coyner, the applicant's representative, presented a revised proffered condition that would permit a minimum gross floor area of 1,800 square feet for dwelling units containing less than two (2) stories.

Mr. Bass stated he could not support the request given the negative impact he felt it would have on the neighborhood.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval Case 08SN0238 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax ID 784-

675-1052 and Tax ID 785-676-4312, and subject to the conditions and provisions of Case No. 05SN0219 and the condition as set forth below.

The Applicant hereby amends Proffered Condition 18 in Case No. 05SN0219 as follows:

Minimum Square Footage.

- A. The minimum gross floor area for detached dwelling units shall be 1800 square feet for units less than two (2) story and 2000 square feet for units two (2) story or greater, except that detached one (1) story dwelling units on lots smaller than 12,000 square feet shall have a minimum gross floor area of 1700 square feet.
- B. The minimum gross floor area for townhouses shall be 1300 square feet. (P)

(STAFF NOTE: This proffered condition supersedes Proffered Condition 18 of Case 05SN0219.)

AYES: Messrs. Gulley, Brown and Waller.

NAYS: Messrs. Bass and Hassen.

08SN0231: In Dale Magisterial District, CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS requests Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 7.01 dwelling units per acre or more. This request lies on 1.9 acres located within the southwest quadrant of the interchange of Chippenham Parkway and Belmont Road. Tax Map 772-686.

Ms. Darla Orr presented an overview of the request and staff's recommendation for denial noting the proposal failed to conform to the Public Facilities Plan which suggested that the communication towers should generally be located away from high visibility areas such as major traffic corridors and residential areas; and the proposal failed to ensure that mature trees would be preserved as suggested by the Tower Siting Policy.

Mr. Chuck Rothenburg, the applicant representative, did not accept staff's recommendation for denial. In response to Dr. Brown's question, Mr. Rothenburg agreed to the additional condition that limited the height of the tower to one hundred fifty-five (155) feet.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0231 subject to the condition and acceptance of the following proffered conditions:

CONDITION

The maximum height of the tower shall be 155 feet. (P)

PROFFERED CONDITIONS

The owner and applicant in this rezoning request, pursuant to § 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (the "County") for itself and its successors and assigns, hereby proffer that the development of the unimproved real property (the "Property") under consideration in this rezoning request shall be developed in

accordance with the following conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. There shall be no signs permitted to identify the use, other than as may be required by the FCC. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. Existing mature tree growth shall be preserved to the extent possible to provide screening of the base of the tower and accessory ground equipment from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)
3. The tower shall be a monopole structure. (P)
4. The tower shall be colored gray or another neutral color, acceptable to the Planning Department. (P)
5. The tower shall not be lighted. (P)
6. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer of the tower shall dismantle and remove the tower and all associated equipment from the Property. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

08SN0236: In Matoaca Magisterial District, CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS requests amendment to Conditional Use Planned Development (Case 99SN0257) and amendment of zoning district map relative to tower height. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies in an Agricultural (A) District on 10.0 acres fronting approximately 98 feet on the north line of Genito Road approximately 2300 feet west of Weatherbury Place. Tax ID 709-689-Part of 3444.

Mr. Robert Clay presented an overview of the request and staff's recommendation for denial noting the proposal failed to conform to the Public Facilities Plan which suggested that communications towers locations should generally be located to minimize the impact on existing or future area of development and that locations adjacent to planned or existing residential development are to be minimized; and the proposal failed to conform to the Tower Siting Policy which suggested that towers should generally be located away from existing or planned areas of residential development.

Mr. Chuck Rothenburg, the applicant representative, did not accept staff's recommendation for denial.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0236.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XII. CITIZEN COMMENT ON UNSCHEDULED MATTERS

There were no citizen comments.

XIII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller, that the meeting adjourned at 8:51 p.m. to July 15, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

Chairman/Date

Secretary/Date